## REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-6 and 9 are pending in the application. No claim amendments are presented, thus, no new matter is added.

In the outstanding Office Action, Claims 1-6 and 9 were rejected under 35 U.S.C. § 102(e) as anticipated by Garrity et al. (U.S. Patent No. 6,230,205, hereinafter Garrity). Applicants respectfully traverse this rejection, as independent Claims 1, 5, 6 and 9 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1 relates to a content distribution method for making a reservation via an open network to a reservation control apparatus for the use of a distribution server that receives content sent from a distributor terminal apparatus via a dedicated network and carries out stream distribution of the content to a client terminal apparatus via the open network. The method includes sending the content from the distributor terminal apparatus to the distribution server based on the reservation and thereby carrying out content distribution. More specifically, the method comprises, in part

> a reservation requesting step of sending, by the
> distributor terminal apparatus, reservation request information
> ... from said distributor terminal apparatus to said reservation
> control apparatus *via the open network*;
> a content transmitting step of transmitting ... the
> content from said distributor terminal apparatus to said
> distribution server *via the dedicated network* to carry out a
> content distribution based on said accepted reservation....

Independent Claims 5, 6 and 9, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 5, 6 and 9.

As depicted in an exemplary embodiment at Fig. 1 of the specification, the distributor terminal apparatus (e.g. user PC 106) requests a reservation to use the distribution server (e.g.

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streaming server 102) via an open network (e.g. internet 103). Then, when the distributor

terminal apparatus (e.g. user PC 106) transmits content to the distribution server for

broadcast, the data is transmitted through a dedicated network connection (e.g. dedicated

server connection network 108). Such a configuration allows for the conservation of

resources at the distribution server, and in the dedicated network, by coordinating access to

both resources using the reservation control apparatus which accepts reservation requests via

an open network connection separate from the dedicated network and the distribution server.

Turning to the applied reference, Garrity describes a method for managing the

delivery of a data in a communication system. Specifically, Fig. 1 and col. 3, ll. 33-50 of

Garrity describes that a plurality of content providers 102-106 transmit data, or content, to

target users 108-134 via an operation center 136. As described at col. 3, l. 58 - col. 4, l. 13, in

Garrity, the operation center 136 functions as a scheduler 210, video server 208 and gateway

to send data from the content providers to the target users.

Garrity, however, fails to teach or suggest "sending, by the distributor terminal

apparatus, reservation request information ... from said distributor terminal apparatus to said

reservation control apparatus *via the open network*" and "transmitting ... the content from

said distributor terminal apparatus to said distribution server *via the dedicated network* to

carry out a content distribution based on said accepted reservation" as recited in independent

Claim 1.

In rebutting the previously presented arguments regarding the claimed feature of

sending reservation request information via an *open network*, the Office Action relies on Fig.

1 and col. 4, ll. 33-59 of Garrity asserting that "in figure 1, Garrity teaches that is done

through network 138" and "in figure 2, Garrity teaches that this network uses Web SSL or S-

HTTP meaning that uses (sic) the internet to make the reservations, which is an open

network." Therefore, the Office Action appears to assert that reservations are made from the

content providers 102-106 to the operation center 136 via the network 138. The Office

Action also appears to assert that the network 138 is an open network, by relying on the use

of specific protocols to transmit data between the content providers 102-106 and the

operation center 136.

Then, in rebutting the previously presented arguments regarding transmitting the

content from the distributor terminal apparatus to the distribution server via the *dedicated*

*network*, the Office Action again cites col. 4, ll. 33-59 of Garrity asserting that "the streaming

of content is accomplished using unicasting RTP/UDP, which is use (sic) in dedicated

networks." However, Garrity describes that the same network 138 is used by the content

providers 102-106 to transmit data to the operations center 136, as is used to exchange

scheduling information with the operation center 136.

Therefore, the Office Action seems to assert that merely using different protocols to

exchange data using the same network allows the network to be categorized as both open *and*

dedicated. Applicants respectfully traverse this assertion, as the protocols used to exchange

data do not define a network as open or dedicated, and a single network (i.e. network 138)

can not reasonably be considered as being both an open network and a dedicated network.

More specifically, the protocols used to exchange data do not lead to a categorization

of a network as being either open or dedicated. Whether a network is an open network or a

dedicated network is instead based on the accessibility of the network. For example, pp. 38-

41 of the specification more concretely defines the difference between an open network and a

dedicated network. An open network, such as the Internet, allows for access from a multitude

of users connected to an internet service provider (ISP) without allowing for much control

over the status of the network connection. Thus, when streaming data from the distributor

terminal apparatus to the distribution server, more control over the network connection to the

distribution server is desirable so that data can be more reliably forwarded to the distribution

server. For this reason, a dedicated network is used for the data transmission. A dedicated network provides a dedicated network connection only to the distribution server, and an authentication process (based on the reservation data) is necessary for any user to gain access to the direct link to the distribution server. Therefore, the type of protocol used to exchange data over the network is not relevant in defining the network as open or dedicated in the context of the present invention. Instead, it is the accessibility of the network connection, as defined at least at pp. 38-41 of the present specification.

Taking into account the differences between an open and dedicated network, as defined in the specification, a network can either be defined as either dedicated or open, but not both due to the distinguishing factors defining the accessibility of the respective networks. Therefore, the recitation in the claims of a dedicated network and an open network define two separate networks. Further, both open networks and dedicated networks can be used to exchange data using various data communication protocols (Web SSL, S-HTTP, RTP/UDP, etc.) based on the nature of data to be transmitted. Thus, the protocol used to transmit data merely defines a signaling pattern or data structure, and does not define the accessibility of the network (e.g. open or dedicated) over which the data is transmitted.

Noting the above distinction, Garrity does describe that each of the content providers 102-106 schedules data transmission with the operations center 136 via the network 138. Garrity, however, at col. 3, ll. 42-44 describes that the content transmitted from each of content providers 102-106 to the operations center 138 is also transmitted via the network 138. Thus, both the reservation request and the data are transmitted from the content providers to the operations center 136 via the same network 138, and not separate *open* and *dedicated* networks, as claimed.

Garrity, therefore, fails to teach or suggest "sending, by the distributor terminal apparatus, reservation request information ... from said distributor terminal apparatus to said
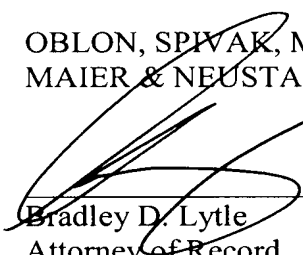
reservation control apparatus *via the open network*" and "transmitting ... the content from

said distributor terminal apparatus to said distribution server *via the dedicated network* to

carry out a content distribution based on said accepted reservation" as recited in independent

Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claims

2-4 which depend therefrom) under 35 U.S.C. § 102(e) be withdrawn. For substantially

similar reasons, it is also submitted that independent Claims 5, 8 and 9 also patentably define

over Garrity.

Consequently, in view of the present amendment and in light of the foregoing

comments, it is respectfully submitted that the invention defined by Claims 1-6 and 9 is

definite and patentably distinguishing over the applied references. The present application is

therefore believed to be in condition for formal allowance and an early and favorable

reconsideration of the application is therefore requested.

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